

Office of Professional Accountability (OPA) Commendations & Complaints Report June 2006

Commendations:

Commendations Received in June: 60

Commendations Received to Date: 253

Anderson, Shanon	Two officers were thanked for their assistance with another law enforcement agency in serving an eviction order. They were professional, patient and helpful.
Rodriguez, Erin	
Anderson, Steven	
Ballew, Brian	
Chan, Edward	
Fann, Michael	
Kohn Jr., William	
Longley Jr., Larry	
Nichols, Christine	
Paulsen, Steven	
Renner, Michael	Officers at the Southwest Precinct were commended for their work in closure of two separate drug houses. Within a weeks' time, the occupants of the homes were out and the drug dealing ceased.
Sabay, Roberto	
Wiebke, Todd	
Bailey, Ryan	A letter of gratitude and thanks was sent to two Harbor Patrol officers. They were kind enough to show two Constables from London, England around the unit and a ride in one of the harbor patrol boats. Their hospitality was greatly appreciated.
Cannon, Douglas	
Ballew, Brian	A letter of thanks was received by three officers from the bicycle unit who attended and helped students at a schools' bicycle rodeo. The officers were extremely positive role models and were very effective working with all of the students. They helped the students learn and ride their bikes through different stations.
Spadoni, Mark	
Topacio, Adonis	
Booth, Robin	An e-mail of thanks was received by PEO Booth for helping out two lost citizens. She was both helpful and friendly.
Britt, James	A thank you letter commended the compassion and professionalism shown in his response to a tragic situation.
Brown, Douglas	Two officers received a thank you letter in responding to a call on a person's well being with care and efficiency.
Outlaw III, Leroy	
Cassidy, Michael	A letter of commendation was received for his response to a call regarding found property. His prompt arrival after the call and his pleasant demeanor and immediate response after finding the owner was a pleasant outcome to the victim.
Cassidy, Michael	Two officers from the West Precinct received a letter of appreciation for their quick response and professionalism to a threats call.
Hall, Christopher	
Clark, Frank	
Conrad, Thomas	
Craig, Jerome	A thank you note was received by five detectives for their thorough and quick work performance in the search for and the arrest of the juvenile suspect in a robbery/assault case.
Magan, Michael	
Smith, Kevin	
Cook, Samuel	Two sergeants and one officer were commended for their outstanding work in responding to a citizen who was suffering a heart attack in downtown Seattle. These officers were nearby and responded in a quick and appropriate manner that minimized the long term effect of the heart attack.
Johnson, Brian	
Kloss, Paul	
Darnall, Derek	Officer Darnall was congratulated for his thorough job of processing a scene which resulted with a match in the AFIS database.
Diezsi, Matthew	A letter of appreciation was received for addressing the concerns of a business

	about sidewalk congestion, safety issues and sanitary conditions.
Emerick, Theresa	A letter was received commending the diligent work on completing the investigation of a case. The case was so well researched and documented that the company involved was able to come to a resolution.
Emery, David Henderson, D. West, Andrew	A letter of commendation was received by two officers and one detective for their outstanding work. They were calm, professional and efficient. Their investigation resulted in the arrest of the person responsible for the burglary.
Evans, Nicholas Grieve, Brett Hughey, Benjamin Kaffer, Steve Martinell, Shawn	Five officers were commended for the outstanding job they did under difficult circumstances while investigating a Domestic Assault. Their thoroughness and diligence initiated an investigation and search for a very dangerous suspect. Their quick courageous actions and sound judgment in bringing this situation under control are to be commended.
Gleason, Lori Greeley, Tim	A letter was received by two officers commending them for their work during the past several months addressing the many neighborhood problems within a block watch neighborhood. They targeted long-standing illegal and life-threatening issues which plagued this area. They were instrumental in making the neighborhood a safer place to live.
Greeley, Tim Hayes Jr, John Martin, Ann Shin, Jay	A letter was received commending the actions of Lt. Hayes and the officers working under his command at the recent groundbreaking ceremony of the NW African American Museum at Coleman School. The security plan developed by Lt. Hayes was comprehensive, well thought out and executed properly. The occasion proceeded without incident.
Grossfeld, Steven	A note of appreciation was received for the exceptional efforts of Officer Grossfeld regarding a traffic stop.
Kauranen, Chad	Officer Kauranen was commended for his thorough investigation and his quick thinking at the scene of an assault that led directly to the arrest of a violent suspect.
Kebba, Michael	A letter of recognition was received by Lt. Kebba for his excellent job of training and of reviewing classification and initial investigations.
Koutsky, James	A letter of appreciation was received by Lt. Koutsky for participating on an assessment center for the Tacoma Police Department.
Nelson, Daniel	Officer Nelson was thanked for his kind, patient and taking the time and energy to listen attentively to a citizens' unfortunate situation.
Sage, Paul Sheheen, Allen	Two officers were commended for their officer safety, professionalism, attentiveness and extending "Community Policing" to visitors from outside of the community.
Smith, Ron	A letter of appreciation was received by Det. Ron Smith for his tenacious investigation which resulted in the recovery of the stolen property. He was thanked for his expertise, helpful, patient and extremely responsive attitude.
Summers, Michael	A commendation was received by Dispatcher Summers for his assistance to a 911 caller. He made sure that a unit was dispatched to the callers residence in a timely manner and eased the callers' fear.
Whitlock II, Roger	A letter of commendation was received by Officer Whitlock for his professionalism in dealing with a case of domestic violence.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

June 2006 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
The complainant alleges that the named employee was disrespectful and refused to take a report of a hit and run accident.	As a result of conflicting testimony from witnesses and involved parties, the preponderance of the evidence could not prove or disprove the allegations. Finding—NOT SUSTAINED.
The complainant alleges that the named employee was unprofessional during a traffic-flagging situation and that those actions resulted in her inability to control her motorcycle causing her to sprain her ankle.	The investigation determined that the exchange could have been with more courtesy and professionalism, but that contact was within department policy. Finding—SUPERVISORY INTERVENTION.

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
It is alleged that the named employee, a police dog handler, had knowledge of an incident, where the K9 injured a citizen. Further, the handler failed to document or report the incident and also failed to render first aid for minor injuries.	The preponderance of the evidence supports the allegations as reported with minor exceptions. The incident is alleged to have occurred over three and half years ago and witnesses supported that the injuries caused by the dog were inadvertent and not intentional. Further, it was determined that the officer did examine the minor scratches to determine if medical assistance was needed and assistance was offered, but apparently declined. However, it was determined that the employee should have documented and reported the incident. Finding—SUPERVISORY INTERVENTION.

SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY

Synopsis	Action Taken
It was alleged that the named employees misplaced the complainant's wallet said to contain cash and identification.	The employees remember searching the complainant incident to arrest and finding a wallet with no money. They believed they placed the wallet on the hood of the car along with other belongings. According to jail records, the wallet never made it to the jail. The complainant was indigent and had just requested to borrow money from a gas station, and his assertion of missing cash was not credible. The investigation recommended the prisoner processing and transport issues be reviewed and the best resolution for the situation was training and counseling, not discipline. Finding—SUPERVISORY INTERVENTION.
It was alleged that at the time of his arrest, the subject had both his ID and \$30 in his possession. At the time of his release, those items were missing.	This incident involved multiple employees that were involved in the arrest and subsequent transportation of the subject. It was determined that one officer had no contact with the property. Finding—UNFOUNDED. A second officer did have control of the property and

	<p>believes he transferred custody of the personal property at the time of the transport. This cannot be proved or disproved. Finding—NOT SUSTAINED</p> <p>The investigation determined that the third officer actually did have control of the property. While responsible for the property, the subject was refused booking at King County Jail and was transported to Harborview Medical Center. It appears that the property was not properly accounted for in all the commotion. The complaint was determined to be more of an issue of training than misconduct. Discipline was not determined to be appropriate. Finding—SUPERVISORY INTERVENTION</p>
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UNNECESSARY FORCE

Synopsis	Action Taken
The complainant stated that he believed the employee lacked cause to arrest him and that during the arrest, the employee tased him multiple times after he fled.	The preponderance of the evidence indicated that the complainant refused to submit to being arrested and a protracted struggle ensued. The force used by the named officer was determined to be reasonable and within department policy. Finding—EXONERATED.
The complainant alleges that as officers placed him into a patrol vehicle subsequent to his arrest, they smashed his head into the car, choked and scratched him, and bent his legs into a position that caused great pain.	None of the involved employees or independent witnesses saw any of the complainant's described behavior. The complainant was extremely intoxicated and had been involved in a fight just prior to his arrest for an outstanding warrant. The minor injuries he sustained appear to be the result of that fight and his own deliberate banging of his head on the plexiglass screen of the patrol vehicle. Finding—UNFOUNDED.
Complainant alleges that the named employee used unnecessary force while escorting her to his patrol vehicle to issue a citation resulting in a bruise to her arm. Further, she believed the citation to be unjust/unwarranted.	<p>The complainant filed the complaint via the Internet and was not available for any subsequent interview/discussion. The preponderance of the evidence could not prove or disprove the allegations. There were significant differences in the fact set provided by the complainant and the employee. There were no independent witnesses to corroborate either version of the events. Finding Unnecessary Force—NOT SUSTAINED.</p> <p>The citation issued was for a violation of the dog scoop ordinance. It was determined that the employee's chain of command would be in the best position to review and counsel the officer. Finding Exercise Discretion—SUPERVISORY INTERVENTION.</p>
The complainant alleges that the named employee used unnecessary force by causing pain while bending his wrist and twisting his arm as he was being escorted from a business where he was having a dispute over service quality.	The investigation determined that the actions of the employee were not misconduct, but neither were those actions best practices. This situation also was exacerbated by language issues and could have been better resolved with the use of an interpreter. It was recommended that the chain of command review with the employee issues of force application and conflict resolution. Finding—SUPERVISORY INTERVENTION.
It was alleged that the named employee used excessive force and then failed to document the	The investigation determined that the force was appropriate, necessary, and not excessive. The force used was a response to the actions of the complainant. Finding

<p>use of force.</p>	<p>Unnecessary Force—EXONERATED.</p> <p>Both the employee and first line supervisor believed the amount of force used was minimal and did not trigger the reporting requirements. The investigation determined that it would have been appropriate and prudent to report the force used, but that the failure to do so would be better served with training versus discipline. Finding Failure to Report Use of Force—SUPERVISORY INTERVENTION.</p>
<p>The complainant alleges that the named employee approached her for no reason and demanded to see identification. When she asked why, she alleges that the employee took physical control of her by grabbing her arm behind her back and forcing her onto the hood of a patrol vehicle. She alleges that a second employee assisted him in this action. She further advised that when she attempted to complain, the third officer's response was inappropriate and that he failed to accurately identify himself.</p>	<p>The investigation determined that the complainant was extremely intoxicated and had just been asked to leave a nightclub. As the complainant attempted to re-enter the club, the employee tried to control her, and she struggled against his efforts. Per witnesses and parties involved, the complainant was out of control, intoxicated, loud, and obnoxious. Employees used only minimal and necessary force to control the complainant. Finding Unnecessary Force—EXONERATED.</p> <p>The subsequent contact with the third employee could have been handled better, but it was determined that it was more of a training issue than misconduct. Finding Failure to ID Self—SUPERVISORY INTERVENTION.</p>
<p>The complainant alleges that the named employee used excessive force during an arrest. The force resulted in a patrol car window being broken and injuries to the subject. Further, the complainant continues by stating that a second named employee failed to identify all the witnesses that were involved in the original incident.</p>	<p>The investigation determined that, while in a custody arrest situation, the subject was highly intoxicated and combative. The employee was attempting to move the subject from a patrol vehicle to a holding cell when pushing and shoving occurred resulting in the subject striking the patrol vehicle and breaking the window. It was determined that the officer tried to deal alone with an antagonistic and uncooperative subject, who had been previously involved in an assault. Given the subject's behavior and refusal to cooperate, it would have been better for the employee to request assistance that may have prevented the incident. The force used did not rise to the level of unnecessary force, but the officer did not observe best practices in prisoner transport, handling, and officer safety. Finding Unnecessary Force—SUPERVISORY INTERVENTION.</p> <p>The investigation also determined that the second officer did prepare a thorough and apparently accurate initial report. Finding Failure to Take Appropriate Action—UNFOUNDED.</p>

June 2006 Cases Selected for Mediation:

One of the cases mentioned in last month's report to be discussed this month was rescheduled. That mediation will be reported in next months report.

The complainant alleged that the named employee offended her when he stopped her from walking across the street and yelled at her to return to the sidewalk. The complainant was also upset that the employee grabbed her arm and escorted her back to the sidewalk.

The complainant alleged that his jaywalking stop was too intrusive when the named employee patted him down for weapons before citing him.

Definitions of Findings:

"Sustained" means the allegation of misconduct is supported by a preponderance of the evidence.

"Not sustained" means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

"Unfounded" means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

"Exonerated" means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

"Supervisory Intervention" means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

"Administratively Unfounded/Exonerated" is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

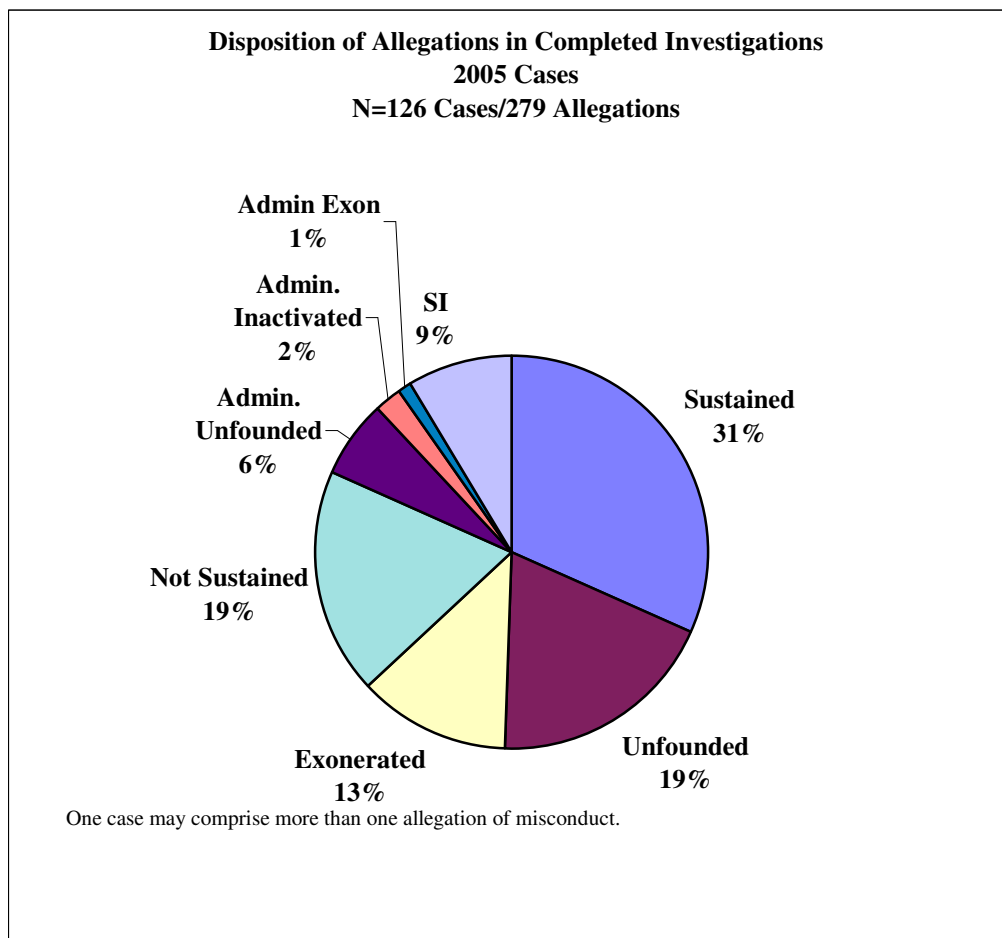
"Administratively Inactivated" means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	126*
Commendations	84	498

*includes 2005 cases closed in 2006

note: the below chart has been changed effective the July 2006 report (June data) to reflect cases that have a "Supervisory Intervention" (SI) finding.



2006 Contacts

	June 2006	Jan-Dec 2006
Preliminary Investigation Reports	20	161
Cases Assigned for Supervisory Review	7	47
Cases Assigned for Investigation (IS;LI)	19	98
Commendations	60	253